



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

Irene D. Maresca

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**-against-**

Richmond University Medical Center

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**Complaint for Employment  
Discrimination**

Case No.

*(to be filled in by the Clerk's Office)*

Jury Trial: ☐ Yes ☒ No  
*(check one)*

**KOMITEE, J.**


**HENRY, M.J.**

ORIGINAL

**CV 22-6636**

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Irene D. Maresca</u>
Street Address	<u>82 Daleham St.</u>
City and County	<u>Staten Island (County-Richmond)</u>
State and Zip Code	<u>N.Y. 10308</u>
Telephone Number	<u>718-966-9616 (home) cell 718-887-4575</u>
E-mail Address	<u></u>

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	<u>Richmond University Medical Center</u>
Job or Title (if known)	<u></u>
Street Address	<u>355 Bard Ave.</u>
City and County	<u>Staten Island (County-Richmond)</u>
State and Zip Code	<u>N.Y. 10310</u>
Telephone Number	<u>718-818-1234</u>
E-mail Address (if known)	<u></u>

**Defendant No. 2**

Name	<u></u>
Job or Title (if known)	<u></u>
Street Address	<u></u>
City and County	<u></u>

State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known)

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is:

Name Richmond University Medical Center  
Street Address 355 Bard Ave.  
City and County Staten Island (county-Richmond)  
State and Zip Code N.Y. 10310  
Telephone Number 718-818-1234

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to (check all that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☐ Other federal law (specify the federal law):

☒ Relevant state law (specify, if known):

N.Y. S. Human Rights Law, N.Y. Exec. Law §§ 290+297

☒ Relevant city or county law (specify, if known):

New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts (specify): Harassment

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

OCT. 7, 2021, OCT. 13, 2021, NOV. 22, 2021  
 until present as I remained under  
 religious discrimination as I am still terminated.

C. I believe that defendant(s) (check one):

- ☒ is/are still committing these acts against me.  
☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☐ race \_\_\_\_\_  
☐ color \_\_\_\_\_  
☐ gender/sex \_\_\_\_\_  
☒ religion \_\_\_\_\_  
☐ national origin \_\_\_\_\_  
☐ age. My year of birth is \_\_\_\_\_. (Give your year of birth only if you are asserting a claim of age discrimination.)  
☐ disability or perceived disability (specify disability) \_\_\_\_\_

E. The facts of my case are as follows. Attach additional pages if needed.

1) I as a Catholic and Christian had my religious rights violated under Title VII of our constitution. These religious rights were violated by my employer of 32 years, Richmond University Medical Center. The violation is of Title VII of the Civil Rights Act of 1964.  
 2) I had requested, as a Registered Nurse, in ICU an exemption to the COVID 19 VAX mandate. I was refused & terminated. Richmond University Medical Center would only provide medical exemptions to nurses & not religious exemptions thus being discriminatory against people of faith, like me, & this led to my firing & financial loss. This was isolating & had me being treated differently because of my beliefs than other similar employees doing the same job.  
 (Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

(see Attached page)

Continuation of pg. 5  
Section E  
(FACTS of my case continued)

3) This religious discrimination was willful which seemed very troubling.

4) I also could have been accommodated as I had natural immunity proven by my covid antibodies as shown on my bloodwork which I stated to them in my correspondence. They would not even consider this long lasting science of natural immunity by experts so they discarded this pertinent information which could have allowed me to continue working. I had worked for 32 years here, invested in the pension system, and worked in ICU with Covid patients for 1 1/2 years prior to this point.

5) I was harassed. Being told in a meeting with at least 20 employees present that "my pope had said it was fine to take the VAX". This was the answer to a question asking about religious exemptions being granted. I was never granted a termination letter after asking thus being denied unemployment. I was asked to leave the building when I showed up in uniform to work. My last electronic paycheck was withheld from my checking account without notification. And after tracking down my last paycheck I was not allowed in the hospital to pick it up, but told to wait outside in the cold. I was always peaceful when I left but this is how you are treated when you are refused a religious exemption.

6) <sup>Continuation of page 5</sup>  
Section E  
(facts of my case continued)  
continued under Harassment

The head of Human Resources mandated me to submit a 2 page essay questionnaire regarding all my most personal, ethical & religious values & how they relate to the COVID vaccine, abortion etc. This was so humiliating to me. I emailed + hand delivered it to Human Resources Director, Mr. Muselwhite, at the time and told him that this was intrusive, private & embarrassing. Richmond University never acknowledged this questionnaire but instead a month later gave a blanket denial of my religious exemption. I am not suing for the humiliation, only for back pay, possible pension loss + reinstatement to work as a RN in Richmond University Medical Center in my former ICU unit under a religious exemption if I desire to return there. After exhausting all other measures I turn to this court.

7) The CDC now recognizes essentially no difference between the vaxxed + unvaxxed. Richmond University should recognize this finally.



10:09



noreply Nov 26

to me



EEOC

You recently submitted an inquiry, **520-2022-01853**, about alleged employment discrimination by RICHMOND UNIVERSITY MEDICAL CENTER to EEOC. We noticed that you have not yet scheduled an interview to discuss your claim. You must schedule an appointment through the calendar in order to complete the inquiry process and be interviewed by EEOC staff. If you do not schedule an interview, we will not take any action on your inquiry.

Please go the EEOC Scheduling Calendar as soon as possible to schedule an interview with EEOC.

Before your interview, please visit <https://publicportal.eeoc.gov/portal/> as soon as possible to provide additional information about your inquiry. Providing additional information is optional, but can help make the interview more productive and efficient. You may add or edit the additional information up until you have your interview with EEOC. The information you provide is confidential and will not be disclosed to your employer during an investigation.

Never  
able to  
schedule  
an

interview  
as the  
schedule  
would not  
let you  
proceed to  
the interview  
process  
due to  
backup.

Received  
a notice  
of right  
to sue  
from EEOC  
on 9/27/22  
with never  
speaking to  
one  
person live.

notice of  
right to  
sue  
attached



10:08



## Reminder - Schedule an Interview

Inbox



noreply Nov 24

You recently submitted an inquiry, 520-20...



me Nov 24

to noreply ▾



Hi regarding inquiry 520-2022-01853. I am unable to proceed to step 3 online to schedule an interview please help

...

↩ Reply

➦ Forward



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office  
33 Whitehall St, 5th Floor  
New York, NY 10004  
(929) 506-5270  
Website: [www.eeoc.gov](http://www.eeoc.gov)

### **DETERMINATION AND NOTICE OF RIGHTS**

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 09/27/2022

To: Irene Maresca  
82 Daleham Street  
Staten Island, NY 10308

Charge No: 16G-2022-01451

EEOC Representative and email: Holly Shabazz  
S/L Program Manager  
HOLLY.SHABAZZ@EEOC.GOV

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### **DETERMINATION OF CHARGE**

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated your charge.

### **NOTICE OF YOUR RIGHT TO SUE**

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By: Timothy Riera  
09/27/2022

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Timothy Riera  
Acting District Director

**Cc: Richmond University Medical Center**  
**Attn: Legal Unit**  
**355 Bard Avenue**  
**Staten Island NY 10310**

Please retain this notice for your records.

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

LATE NOV 2021 after Firing

- B. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Notice of Right to Sue letter.  
☒ issued a Notice of Right to Sue letter, which I received on (date)

9/27/2022

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

- ☐ 60 days or more have elapsed.  
☐ less than 60 days have elapsed.

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I am asking the court to order my back pay from the date of my termination till present. I was forced to take my pension 5 years early losing about 60% of my pension as I didn't have income for bills. Also denied unemployment which I am not suing for as the hospital would not give me a termination letter and the state excluded health care workers (I am a RN) that were fired for refusal of vaccine COVID-19. I will not sue for pain & suffering but I would like to work again in my job as an ICU RN in Richmond University Medical Center with a religious exemption granted for the COVID-19 vaccine. Thank you



**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: NOV. 1, 2022

Signature of Plaintiff

Printed Name of Plaintiff

Irene D. Maresca  
Irene D. Maresca